

## **REMARKS**

### **I. Status of the Application**

Claims 1-10 are pending in the application. Claims 6, 9 and 10 have been cancelled without prejudice to the filing of any appropriate continuation applications. Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Showa Denko, JP 62096408. Claims 1-4 and 7-10 stand rejected under 35 U.S.C. § 102(b) as anticipated by Lion Corporation, JP 8099849. Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as anticipated by Lion Corporation, WO 02/02124.

Applicant has amended the claims to more clearly define and distinctly characterize Applicant's novel invention. Specifically, claim 1 has been amended to replace the term "carrier" with "denture adhesive." Support for a denture adhesive can be found in the specification at least at page 14, lines 8-13 and at page 19, lines 20-35. The amendments presented herein add no new matter.

Applicant respectfully requests entry and consideration of the foregoing amendments and remarks, which are intended to place this case in condition for allowance.

### **II. The Pending Claims Are Novel Over Denko**

At page 2, paragraph 1 of the instant Office Action, claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Showa Denko KK, JP 62096408 (the AG abstract). The Examiner is of the opinion that the AG abstract teaches ascorbic acid phosphoric acid ester or its salt (Na, K, Ca or Mg salt) in an oral composition to be used for alveolar pyorrhea, cleaning teeth, removing bad breath and washing the teeth. The Examiner further asserts that the compositions of the AG abstract can be in the form of a toothpaste, chewing gum or troche.

Applicant respectfully traverses this rejection. Applicant respectfully submits that for a reference to anticipate a claim, the reference must teach each and every element of the claim.

Applicant's amended claims are directed to an oral care composition comprising an orally acceptable denture adhesive and an ascorbyl-2-phosphate compound having the structure set

forth in claim 1, or a sodium or potassium salt thereof. Applicant's claimed composition is useful for affixing a denture to an oral mucosal surface (page 19, lines 21-22), and is beneficial for scavenging free radicals present in the oral cavity to reduce or eliminate the potential effects of reactive oxygen species (page 6, lines 2-5).

In contrast to Applicant's claimed composition, the AG abstract is directed to a chewing gum, a paste, a gargle, and a troche containing an L-ascorbic acid-2-phosphoric acid ester or salt, not a denture adhesive. The AG abstract teaches compositions that are useful for preventing and remedying periodontosis, cleaning the oral cavity, removing foul breath and beautifying the teeth. Nowhere does the AG abstract teach or suggest a denture adhesive, nor does the AG abstract teach Applicant's claimed oral care composition comprising a denture adhesive combined with an ascorbyl-2-phosphate compound. Thus, the AG abstract fails to anticipate Applicant's invention.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

### **III. The Pending Claims Are Novel Over Lion Corp., JP**

At page 3, paragraph 2 of the instant Office Action, claims 1-4 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lion Corp., JP 8099849 (the BL abstract). The Examiner is of the opinion that the BL abstract teaches oral compositions comprising ascorbic acid phosphate in dental cream, mouthwash, liquid, paste and chewing gum with other additives such as polishing agents, binders, thickening agents and antiseptics.

Applicant respectfully traverses this rejection. Applicant respectfully submits that for a reference to anticipate a claim, the reference must teach each and every element of the claim.

The BL abstract is directed to a composition for an oral cavity comprising an ascorbic phosphate and one or more of menthone, carvone, cineol, limonene, menthane, anethole, eugenol, cinnamaldehyde, and menthol. This abstract teaches that such compositions are useful for the treatment and prophylaxis of periodontal diseases. Nowhere does the BL abstract teach

or suggest compositions which comprise a denture adhesive, let alone teach Applicant's claimed oral care composition comprising a denture adhesive combined with an ascorbyl-2-phosphate compound. Thus, the BL abstract fails to anticipate Applicant's invention.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

#### **IV. The Pending Claims Are Novel Over Lion Corporation, WO**

At page 3, paragraph 3 of the instant Office Action, claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lion Corporation, WO 2002 02124 A1 (the BS abstract). The Examiner is of the opinion that the BS abstract teaches compositions containing ascorbic acid phosphoric acid esters or its salts comprising a surfactant, one or more sugar alcohols and a calcium and aluminum ion source. The Examiner further asserts that the composition set forth in the BS abstract appears to be an oral composition that would be mixed with saliva.

Applicant respectfully traverses this rejection. Applicant respectfully submits that for a reference to anticipate a claim, the reference must teach each and every element of the claim.

The BS abstract is directed to compositions containing ascorbic acid phosphoric acid esters. The abstract shows drawings of teeth, but it contains no language specifically teaching compositions suitable for oral use. The abstract certainly fails to teach or suggest dental adhesives in general, and provides no teaching of Applicant's claimed oral care composition comprising the a denture adhesive combined with an ascorbyl-2-phosphate compound. Thus, the BS abstract fails to anticipate Applicant's invention.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

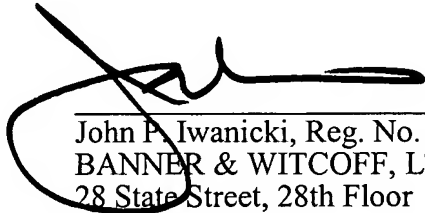
V. CONCLUSION

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

Respectfully submitted,

Date: \_\_\_\_\_

June 15, 2003



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